

AN ORDINANCE

100199

**AMENDING CHAPTER 2 OF THE CITY OF SAN ANTONIO CITY CODE, ENTITLED "ADMINISTRATION," BY ADDING ARTICLE VIII, ENTITLED "BOARDS AND COMMISSIONS"; AND REPEALING ORDINANCE NO. 93356, RESOLUTION NOS. 87-30-48, 92-29-24, 92-31-26, 95-30-41, 96-06-04, AND ANY OTHER ORDINANCE OR RESOLUTION IN CONFLICT HEREWITH.**

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**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Chapter 2 of the City of San Antonio City Code is hereby amended by adding Article VIII., entitled "Boards and Commissions," which shall read as follows:

**ARTICLE VIII. BOARDS AND COMMISSIONS.**

Unless provided otherwise by City Charter, state law, federal law, or subsequent ordinance, the following shall govern the creation and operation of all boards and commissions created by ordinance or resolution passed by the City of San Antonio City Council.

**Sec. 2-400. Applications**

- (a) All applications for district and at-large boards and commissions shall be submitted to the Office of the City Clerk.
- (b) The City Clerk will establish specific deadlines for submission of applications for at-large boards or commissions. To be considered for at-large boards or commissions, the completed applications must be submitted by the advertised deadline.
- (c) Applications for district boards and commissions may be submitted at any time to the Office of the City Clerk for consideration for appointment.

**Sec. 2-401. District Appointments**

- (a) The Office of the City Clerk will coordinate review of the applications with the pertinent City Departments and the City Attorney's Office to ensure that the applicants meet the necessary qualifications for each respective board or commission. The Office of the City Clerk will notify the applicant in writing if he/she is not qualified to serve on the board or commission for which he/she has applied.
- (b) The City Clerk will forward the applications of the qualified applicants to the respective City Council Member for his/her review.

- (c) The Office of the City Clerk will initiate an ordinance for appointments, upon submission of a memorandum by a City Council Member, designating his/her respective appointees.

**Sec. 2-402. At-large Appointments**

- (a) A work session of the City Council for at-large appointments will be held semi-annually, in July and December, and as often as deemed necessary, in order to conduct interviews.
- (b) The Office of the City Clerk will coordinate review of the applications with the pertinent City Departments and the City Attorney's Office to ensure that the applicants meet the necessary qualifications for each respective board or commission. The Office of the City Clerk will notify the applicant in writing if he/she is not qualified to serve on the board or commission for which he/she has applied.
- (c) Individuals must be nominated by three (3) members of the City Council in order to be interviewed and considered for appointment by the entire City Council.
- (d) City Council Members will submit their nominations, in writing, to the Office of the City Clerk, in the form of a memorandum with the three (3) City Council Members' signatures.
- (e) The City Council shall interview the nominees at a work session, prior to a vote on the appointments. Official selection by the City Council shall take place no sooner than one week after the date of the interviews, unless otherwise directed by the City Council.
- (f) Nominees must appear in person for the interview. If an individual is ill, out of town, or cannot appear in person, a written statement must be submitted to the Office of the City Clerk prior to the date of the interview, in order to be considered for appointment. An individual will not be considered for appointment if he/she fails to appear in person for the interview or fails to submit a written statement.
- (g) Section 2-403(a) does not apply to boards or commissions whose members are appointed at-large.
- (h) The provisions of this Section do not apply to Mayoral appointments to at-large boards and commissions.

**Sec. 2-403. Membership**

- (a) Each board or commission shall consist of eleven (11) members [one (1) per Council District and Mayor]. This section (a) does not apply to Section 2-402, At-Large Appointments and any board or commission in existence prior to the effective date of this Ordinance.

- (b) Each citizen is limited to membership on two (2) boards or commissions concurrently (this includes advisory, more than advisory, City Charter, loan boards or commissions, and ad hoc committees).
- (c) In order to be qualified to serve, all applicants for boards and commissions must be residents of the City of San Antonio, and continue such residency during the term of their appointment, if appointed.
- (d) When making appointments to boards and commissions, the City shall not discriminate on the basis of race, color, national origin, religion, sex, age or handicap.

**Sec. 2-404. Terms of Office**

- (a) **Length of Term:** Board or commission members are appointed for a term of office of two (2) years. The term of office for each board or commission member will begin on January 1<sup>st</sup> and will expire on December 31<sup>st</sup>. This provision shall take effect January 1, 2006.
- (b) **Term Limit:** All board and commission members are limited to serving no more than two (2) complete consecutive terms. Thereafter, members are ineligible for reappointment, except in accordance with subsection (c), below.
- (c) Members can be reappointed to a board or commission after sitting out a term of two (2) years.

**Sec. 2-405. Meeting Procedures**

- (a) Boards and commissions will conduct meetings in accordance with the latest edition of Robert's Rules of Order.
- (b) Board and commission meetings shall be conducted in accordance with the Texas Open Meetings Act. A majority of all members of the board or commission shall constitute a quorum to convene a meeting; in all other matters upon which the board or commission may vote, a majority of the members in office shall be necessary for adoption.
- (c) The pertinent City Department shall be responsible for posting the meeting notices seventy-two (72) hours prior to the meeting.
- (d) Proxy votes will not be allowed.
- (e) The pertinent City Department shall prepare and maintain minutes of the board or commission meetings. Such minutes shall be maintained in accordance with the City's Records Retention Schedule. All records are subject to the provisions of the Texas Public Information Act.

**Sec. 2-406. Subcommittees**

Boards and commissions may create subcommittees comprised of persons other than current members of the board or commission to address specific policy initiatives of the City, on an as-needed basis, to provide input and recommendations.

- (a) The size of a subcommittee's membership may be equal to, but no larger than the size of the creating board or commission.
- (b) The chair of a subcommittee shall be a member of the creating board or commission.
- (c) Subcommittees shall be created for a specific purpose and shall operate for a specific time period. A subcommittee will automatically dissolve upon completion of its charge, or the time prescribed by City Council, without any further action by the City Council.

**Sec. 2-407. Attendance**

If a board or commission member's attendance at regularly scheduled meetings (a) falls below 50% on an annual basis from the appointment date, or (b) a member misses three (3) regularly scheduled consecutive meetings, the member will be automatically removed from the respective board or commission, without any further action by the City Council, and therefore is ineligible to hold over.

A member who is automatically removed from a board or commission for failure to meet the attendance requirement is ineligible to seek appointment to any board or commission for a period of one (1) calendar year from the date of the member's automatic removal.

**Sec. 2-408. Other Requirements**

All board and commission members shall be subject to the requirements set forth in the City's Ethics Code, as applicable to City Officials. All board and commission members must file a Financial Disclosure Report with the Office of the City Clerk upon appointment, and annually thereafter, throughout the member's term. Failure to file a Financial Disclosure Report within the time required by the City's Ethics Code will be considered an automatic removal, and therefore ineligible to hold over.

A member who is automatically removed from a board or commission for failure to file a Financial Disclosure Report is ineligible to serve on any other board or commission for a period of one (1) calendar year from the date of the member's automatic removal.

**Sec. 2-409. Removal from Office**

All board and commission members serve at the pleasure of City Council and may be removed from office at the discretion of the City Council without cause, such removal to be evidenced by passage of an ordinance.

Requests for removal of a board or commission member must be initiated by City Council Consideration Requests. Such Request shall also direct the Office of the City Clerk to commence advertising for the ensuing vacancy. The vacancy shall be advertised and a member appointed in the same manner as described in the Sections above, as applicable.

**Sec. 2-410. Resignations**

All resignations must be in writing, filed with the Office of the City Clerk, and state the specific date of resignation and the name of the board or commission from which the member is resigning. All resignations shall take effect without any further action by the City Council. The vacancy created by such resignation shall be advertised and a member appointed in the same manner as described in the Sections above, as applicable.

**Secs. 2-411—2-499. Reserved**

**SECTION 2. Template Enabling Ordinance**

All new boards and commissions shall be created using the template ordinance, attached hereto as **Exhibit I**. Unless otherwise provided in said subsequent enabling ordinance, the provisions provided for in the City Code, Article VIII., shall govern the creation and operation of all boards and commissions.

**SECTION 3. Information on Boards and Commissions**

- (a) In addition to any other applicable notification requirement, public notices will be provided for all board and commission vacancies. In addition, the Office of the City Clerk will issue media advisories, will post information on the City's website and the TVSA channel, and will provide informational materials to community and civic groups via email. Notices will also be posted at the Central library, at branch libraries, City parks and at City community centers.
- (b) Informational material, which includes current data about all boards and commissions, will be available to prospective appointees, in the Office of the City Clerk.

**SECTION 4. New Member Orientation and Swearing-in**

- (a) A thorough orientation will be provided to all newly appointed board and commission members by the pertinent City Department. Specific information on policies and procedures for the respective board or commission will be provided at that time. Board and commission members will sign a document to verify that they have attended the necessary orientation. The pertinent City Department shall maintain records of these documents in accordance with the City's Records Retention Schedule.

- (b) Continuing education programs will be instituted by various City Departments to provide up-to-date information on any legislation or other pertinent information that would affect the Department's respective board or commission. Board and commission members must be kept abreast of all issues related to the board or commission and its responsibilities.
- (c) Newly appointed members will be invited to a swearing-in ceremony to be held during a City Council meeting.

#### **SECTION 5. Municipal Leadership Institute**

The Municipal Leadership Institute shall be utilized to provide an orientation to City government to all newly appointed board and commission members. A comprehensive overview will be provided on issues that include, but are not limited to, ethics, liability, fiscal responsibility, attendance requirements, removal, parliamentary procedures (Robert's Rules of Order), the Texas Open Meetings Act, the Texas Public Information Act, and general information about the City of San Antonio and the board and commission appointment process. All first-time newly-appointed board and commission members (district and at-large appointments), must attend a Municipal Leadership Institute Training before they can be considered for reappointment to any City board or commission.

#### **SECTION 6. City Council Committee on Boards and Commissions**

Periodically, with each new City Council term, City Council shall appoint a three-member committee to review all City boards and commissions for sunset, consolidation, or other recommended change.

This City Council Committee on Boards and Commissions will be comprised of one senior council member, who will serve as the chairperson, and two other council members. The committee will meet as needed, to review any board or commission concerns that need to be presented to City Council.

#### **SECTION 7. City Council Committee Oversight and Board and Commission Sunset**

**(a) Oversight.** Each board and commission will report to a designated City Council Committee. This reporting relationship is determined by aligning boards and commissions with those City Council Committees that address similar subject matters. The Office of the City Clerk shall maintain a list of this reporting relationship, which will include the name of each City board and commission and its designated City Council Committee. Once during each term, the Council Committee on Boards and Commissions will review and make any changes to the reporting relationships between the Council Committees and the Boards and Commissions.

Written reports from each board or commission regarding its activities and recommendations must be provided to its respective City Council Committee on an annual basis.

**(b) Sunset.** City Council, as evidenced by passage of an ordinance, will sunset, or discontinue, inactive boards or commissions, as deemed necessary by the respective City Council Committee having oversight over the board or commission.

The Office of the City Clerk shall maintain a list of all City boards and commissions, divided into two categories, "**District Boards and Commissions**" and "**At-Large Boards and Commissions**". Beginning in October 2005, and every four (4) years thereafter, **District Boards and Commissions** will undergo a review by City Council for reauthorization or sunset. **At-Large Boards and Commissions** will undergo a review for reauthorization or sunset beginning in October 2007, and every four (4) years thereafter.

#### **SECTION 8. Conflicting Ordinances or Resolutions**

Ordinance No. 93356, Resolutions No. 87-30-48, No. 92-29-24, No. 92-31-26, No. 95-30-41, No.96-06-04, and any other ordinance or resolution in conflict herewith are hereby repealed.

#### **SECTION 9. Effective Dates**

All of the provisions of this ordinance shall take effect ten days from the date of passage of this ordinance, unless otherwise specifically provided for herein.

***PASSED AND APPROVED this 17th day of December, 2004.***

ATTEST   
\_\_\_\_\_  
City Clerk

  
M A Y O R  
EDWARD D. GARZA

APPROVED AS TO FORM:   
\_\_\_\_\_  
City Attorney

# Agenda Voting Results

**Name:** 50.

**Date:** 12/17/04

**Time:** 12:42:49 AM

**Vote Type:** Multiple selection

**Description:** An Ordinance amending Chapter 2 of the City of San Antonio City Code, entitled "Administration," by adding Article VIII, entitled "Boards and Commissions"; and repealing Ordinance No. 93356, Resolution Nos. 87-30-48, 92-29-24, 92-31026, 95-30-41, 96-06-04, and any other ordinance or resolution in conflict herewith. [Presented by Leticia M. Vacek, City Clerk]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
JOEL WILLIAMS	DISTRICT 2		x		
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7	Not present			
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR		x		